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Crl.M.P.No.5658 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2023

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THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.5658 of 2023
in Crl.A.No.455 of 2023

Aruldoss

... Petitioner

/vs/

The State represented by
the Inspector of Police,
All Women Police Station,
Nagapattinam District.
(Crime No.10 of 2014)

.. Respondent

Prayer: Criminal Miscellaneous Petition filed under section 389(2) of Cr.P.C., to suspend the sentence of imprisonment made against the petitioner / appellant in the case in S.C.No.122 of 2014, dated 31.10.2022 on the file of the Special Court, (POSCO Act), Nagapattinam and enlarge the petitioner on bail, pending disposal of the above appeal.

For Petitioner ... Mr.N.Senthil

For Respondent ... Mr.A.Gokulakrishnan,
Additional Public Prosecutor

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence, dated 31.10.2022 imposed against the petitioner in



S.C.No.122 of 2014 on the file of the Special Court, (POSCO Act), Nagapattinam and enlarge the petitioner on bail, pending disposal of the above appeal.

2. The petitioner, who is the sole accused in S.C.No.122 of 2014 is convicted and sentenced by the trial court, by its judgment dated 31.10.2022 as follows;

<i>Petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Sole Accused	U/s.366 IPC	One year SI and to pay a fine of Rs.1,000/-, in default, to undergo 3 months SI.
	U/s.5(1)(j)(ii), r/w.Sec.6 of POCSO Act	To undergo 20 years RI and a fine of Rs.20,000/-, in default in payment of fine, to undergo one year SI
	U/s.9 of Prohibition of Child Marriage Act, 2006	To undergo one year RI and a fine of Rs.1,000/-, in default in payment of fine, to undergo 3 months SI

3. Aggrieved over the Judgment of conviction and sentence imposed on the petitioner/accused in S.C.No.122 of 2014, the petitioner has filed the present criminal appeal, along with the instant miscellaneous petition, seeking suspension of sentence and bail.

4. The learned counsel for the petitioner submitted that there are



arguable points in this Criminal Appeal. The petitioner is in judicial custody and hence, prayed for suspension of sentence.

5. Heard the learned counsel for the petitioner and learned Additional Public Prosecutor and perused the complaint, FIR and evidence of victim girl and other material evidence available on record.

6.The petitioner has raised substantial grounds in the appeal which require detailed appraisal. Further, the appeal is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.

7. Accordingly, the relief of suspension of sentence and bail is granted to the petitioner on the following conditions:

- (i) The petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/-(Rupees ten thousand only) along with two sureties, each for a like sum, to the satisfaction of the Trial Court;

V.SIVAGNANAM, J.



WEB COPY



Crl.M.P.No.5658 of 2023

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(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the trial Court may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity; and;

(iii) The petitioner shall appear before the trial Court as and when required.

24.04.2023
(2/2)

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To

1. The Special Court, (POSCO Act), Nagapattinam
2. The Inspector of Police,
All Women Police Station,
Nagapattinam District.
3. The Public Prosecutor, High Court, Madras.
4. The Superintendent, Central Prison,
Nagapattinam.

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